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Docket: YOR920030318US1 (YOR.481)

REMARKS

As a preliminary matter, Applicants bring to the Examiner's attention that in Paragraph 21 of the Office Action refers to "Jawahar (US 6,298,256)". However, US Patent 6,298,256 has Meyer as its inventor and is clearly not related to the claimed invention. In a previous Office Action, the Examiner relies upon Jawahar (US 6,298,356), and Applicants presume the Examiner intended, in the latest Office Action, to refer to "Jawahar (US 6,298,356)" rather than "Jawahar (US 6,298,256)", but request that the Examiner make corrections to the record in the next response.

Claims 1, 31, 33-35, 37-41, and 43-51 are all of the claims presently pending in the application. Claims 2-30, 32, 36, and 42 are canceled.

Claims 1, 47, and 50 stand rejected under 35 USC §112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 1, 31, 37-39, 47, 48, 50, and 51 stand rejected under 35 USC §103(a) as allegedly unpatentable over US Patent 6,604,143 to Nagar et al., further in view of US Patent Application Publication US 2002/0178381 to Lee et al. Claims 33, 35, 40, 41, 45, and 46 stand rejected under 35 USC §103(a) as allegedly unpatentable over Nagar/Lee, further in view of US Patent Publication 2002/0073206 to Jawahar et al. Claim 34 stands rejected under 35 USC §103(a) as allegedly unpatentable over Nagar/Lee, further in view of US Patent Publication 2002/0161626 to Plante et al. Claim 44 stands rejected under 35 USC §103(a) as allegedly unpatentable over Nagar/Lee/Jawahar, further in view of US Patent Publication 2002/0165954 to Eshghi, et al. Claims 43 and 49 stand rejected under 35 USC §103(a) as allegedly unpatentable over Nagar/Lee/Eshghi

It is noted that Applicants specifically state that no amendment to any claim herein, if any, should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

These rejections are respectfully traversed in view of the following discussion.

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I. THE CLAIMED INVENTION

Applicants' invention, as disclosed and claimed in, for example, independent claim 1, is directed to a method of capturing dialog on a computer network. Based on an initial access request to a first network node, contact is established with an intermediary node so that a subsequent dialog is directed through the intermediary node by causing a request inbound to the first network node to be directed to the intermediary node and causing a response outbound from the first network node that responds to the request to be directed to the intermediary node, wherein a plurality of requests inbound to the first network and a plurality of responding outbound responds are directed to the intermediary node, thereby capturing substantially an entirety of a dialog with the network node. The inbound request and the outbound response are directed to the intermediary node by causing a network address of the intermediary node to be added to the inbound request and to the outbound response. The dialog is logged, by storing in a memory predetermined data related to at least one of the inbound requests and the outbound responses.

The dialog is analyzed to measure at least one parameter related to the dialog. The intermediary node modifies the content of at least one of the inbound requests and the outbound responses, wherein the modifying includes adding the network address of the intermediary node so that the dialog continues to be directed to the intermediary address. Modifying the content further includes adding the network address of the intermediary node to any of an inbound request and an outbound response related to a second node in the network, thereby additionally causing a dialog with the second node to be directed through the intermediary node as dialog related to said initial access request.

The conventional methods of capturing dialog with a web server, for such purpose as evaluating the effectiveness of a web site, as described beginning at line 2 of page 2 of the specification do not have the capability to capture both sides of the dialog, and so are incomplete.

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In contrast, the present invention provides a method by which the complete dialog can be logged, including the user's meandering to additional sites during the dialog, and analyzed for such evaluations as determining a measurement of parameters related to the effectiveness of a web site.

II. THE WRITTEN DESCRIPTION REJECTION

The Examiner rejects claims 1, 47, and 50 as allegedly failing the written description requirement for "... outbound responses for any of a second node" and "... unrelated to said first node" and objects to the specification for allegedly failing to provide antecedent basis for this claim language.

In response, Applicants direct the Examiner's attention to the underlined description in the following paragraphs, as identified by the indicated paragraph numbering of the publication version of this Application:

"[0004] The present invention generally relates to user web browser environments and, more particularly, to techniques for providing capture of user interaction and feedback. More specifically, initial access to a web page causes all subsequent traffic related to the initial web page access to be routed via a proxy/surrogate server, thereby allowing the two-way capture of all requests arriving from the requester's browser and of all responses being returned to the browser. This two-way dialog capture can be used to measure and/or improve the web site's effectiveness and efficiency by capturing the complete dialog with the web site, including the requester's meanderings to non-related web sites."

"[0022] It is another exemplary feature of the present invention to be able to remain in the middle of a dialog stream for capture of page visits outside the originally-

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contacted system, thereby providing a means of capturing the requester's meanderings as the dialog proceeds.”

“[0030] The present invention provides a method to measure and quantify effectiveness of a web site by comprehensively capturing the complete dialog between a browser and the web site, including meandering of visits to other web sites. Conventional methods of monitoring web site traffic do not have the capability to capture the two-way traffic and do not have the capability of capturing dialogs with other, non-related web sites.”

“[0050] Therefore, WBI provides the infrastructure to intercept the request and response streams of the present invention. Once the user's browser has opened an associated web site, even visits to non-site pages (e.g., that are selected from provided on-page links) allows the capture apparatus to remain in the middle of the streams. Thus, the present invention also provides for dialog capture of page visits outside the originally-contacted system, thereby providing a dialog capture capability not previously possible. This capability is one aspect of the feature of the present invention in which the state of the user is captured because substantially the whole dialog is accessible to the present invention, including meanderings to other web sites, a capability not previously known in the art.”

“[0091] FIG. 6A shows exemplarily the logging of the present invention, which is similar in concept to logging discussed briefly during the discussion of the conventional methods and shown in FIG. 6. However, in contrast to the logging of the conventional systems, the present invention includes, from a higher perspective, other essential information than that included in the conventional methods. That is, in contrast to

conventional methods, the present invention will capture the user's minute-by-minute use of web resources, including visits to "other" web sites.

"[0092] Moreover, since the present invention requests user comments on an as-needed basis, it also logs such responses in a real-time manner. Therefore, examples of logging by the present invention, additional to conventional logging, includes users' visits to "other" URLs (e.g., user meandering) and "in-situ" comments by the client, although the additional logging capabilities of the present invention is not intended as limited by these examples."

"[0130] The first feature is significant because it provides a complete picture of the dialog, including the user's meandering to other web sites. Because of this complete picture of the dialog (perhaps further enhanced by NLP techniques), the present invention is able to determine and track the state of the user and system, including aspects that might be considered as "psychological" state of the user."

Applicants submit that, in view of the above-recited passages from the originally-filed specification, one of ordinary skill in the art would clearly consider that there is very clear support in the specification for this claim language. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection and objection.

III. THE PRIOR ART REJECTIONS

The Examiner alleges that one having ordinary skill in the art would have been motivated to modify primary reference Nagar by Lee to allegedly arrive at the invention described by claims 1, 31, 37-39, 47, 48, 50, and 51, and to further modify Nagar/Lee by Jawahar to allegedly arrive at the description of claims 33, 35, 40, 41, 42, 45, and 46, to

further modify Nagar/Lee by Plante to allegedly arrive at the description of claim 34, to further modify Nagar/Lee/Jawahar by Eshghi to allegedly arrive at the description of claim 44, and that Nagar/Lee/Eshghi would allegedly render obvious claims 43 and 49.

Applicants respectfully disagree and again submit that neither primary reference Nagar nor secondary reference Lee is reasonably directed to the problem of being able to capture a complete dialog between a user on a browser and a web site.

Indeed, the Examiner seems fundamentally confused about the purpose of primary reference Nagar, based on the below-recited allegation in the middle of page 5:

“... thereby additionally directing a dialog with said second node through said intermediary node as related to said initial access request (col. 5 line 49 – col. 6 line 67 and Fig. 3, showing that all incoming and outgoing requests are through the proxy server, where the client can contact and be contacted by multiple servers (e.g., the nodes 210 and 212 of Fig. 2).”

The fundamental flaw with the evaluation recited above is that the purpose of primary reference Nagar is not related to logging a dialog. Rather, its purpose is merely that of filtering information transmitted between a client process and a web server. The description in line 49 of column 5 through line 67 of column 6 is not related to logging a dialog, let alone logging a dialog in which the user starts the dialog at a first web site and then meanders to another web site as a continuation of that dialog.

Applicants are unable to find any support in these lines that suggest that a logging of a dialog occurs in Nagar, let alone a logging for a dialog that the user continues after having first established the dialog at a first web site and then meanders to a second web site as a part of that same dialog. This feature of the present invention, for example, permits the first web site to be evaluated based upon the user's continuation of the dialog with subsequent web sites. This aspect would also, for example, permit detection that the user was about to purchase or made a purchase from an alternate web site instead of the first web site.

Merely having a proxy server provide filtering processing from two different web servers fails to satisfy the plain meaning of the claim language, since each contact with a server clearly involves a separate dialog. Nor is there any suggestion of any logging of dialogs in Nagar. There is also no suggestion in Nagar of considering information exchange with two servers as part of a single dialog, let alone a logging of a single dialog begun at one website and continued at a second web site as part of the same dialog. Not only is there no suggestion of this feature in Nagar, there is also no reason to incorporate such feature, since Nagar is directed to a simple filtering processing.

In contrast, the claimed invention is directed to the complete logging of a single dialog, even if the user should meander to a second website after having initiated the dialog at a first website. None of the reference currently of record even recognizes this problem of making a complete logging of a dialog involving a website, let alone set up a mechanism so that the logging of that dialog continues even after the user goes to another website.

For this reason alone, since, even all references of record could be reasonably combined under one or more of the seven rationales of *KSR*, this feature of continuing the logging of a single dialog carried out over multiple websites is not demonstrated by the rejection currently of record, so that the rejection fails to provide a *prima facie* obviousness rejection by reason that there is at least one element in even the independent claims that has not been demonstrated.

Applicants remain uncertain about the basis of the Examiner's characterization that primary reference Nagar involves a logging of a dialog, since a simple filter function would not be considered by one having ordinary skill in the art as equivalent to logging a dialog. Moreover, even if simple filtering were to be considered equivalent to logging a dialog, there is no suggestion that Nagar recognizes that a single dialog includes visiting a subsequent server. Rather, the filtering of information in Nagar from two different servers would be, at most, considered the filtering of two different dialogs. There is no

suggestion in Nagar to log any of the information, let alone logging the two information exchanges as parts of the same dialog begun at the first website. It is improper for the Examiner to ignore the simple fact that Nagar has little, if anything, to do with the claimed invention.

However, in an effort to expedite prosecution, Applicants have amended the independent claims to further clarify the logging processing, as well as the requirement that a single dialog is being logged and analyzed, even if though the user meanders to a second website.

Hence, turning to the clear language of the claims, in Nagar even if modified by Lee, there is no teaching or suggestion of: “... thereby capturing, in said intermediary node, substantially an entirety of a dialog, as a dialog having begun with said first network node, said inbound requests and said outbound responses being directed to said intermediary node by causing a network address of said intermediary node to be added to said inbound requests and to said outbound requests, said network address of said intermediary node also being added to inbound requests and outbound responses for any of a second node in said network, said second node being different from said first node, that is visited during said dialog, thereby additionally directing a dialog with said second node through said intermediary node as related to said initial access request; logging said dialog to a memory, including any visits during said dialog to nodes other than said first node; and analyzing said dialog to measure at least one parameter related to said dialog.”

Since not even the independent claims are reasonably demonstrated in either Nagar or Lee, even if combined, all claims are clearly patentable over Nagar.

As Applicants keep pointing out, primary reference Nagar is not directed to capturing a dialog. Rather, its purpose is to filter information. For example, as explained in lines 29-31 of column 1, Nagar is concerned with the problem of filtering responses: “*For example, a business or government agency may not want security or sensitive information leaving their domain, e.g.,*

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local network.” This purpose of filtering is confirmed in both the Abstract and claim 1 of Nagar. Secondary reference Lee likewise is directed to filtering undesirable content (see Abstract).

In contrast, the claimed invention is directed to capturing a dialog once begun with a first network node, including capturing the dialog in its entirety, even if the user moves to another web site. Neither Nagar nor Lee is concerned with capturing a dialog. Neither primary reference Nagar nor secondary reference Lee have any of these features of the claimed invention and have no reason to have these features added, since addition of these features would change the purpose of these two references.

The Examiner alleges that it would have been obvious to modifying Nagar by secondary reference Lee, as well as Jawahar ‘206, Plante, and Jawahar ‘356, thereby rendering obvious all of the claims. In response, Applicants respectfully submit that none of these additional references are reasonably related to the purpose of primary reference Nagar, thereby indicating these rejections are based upon improper hindsight, using the claimed invention as a roadmap and the only objective rationale to arrive at the claimed invention. In the wording of KSR, none of these references have been demonstrated as providing a substitution known in the art as an element of the claimed invention missing in Nagar or as providing an improvement to primary reference Nagar that was known in the art and would benefit the purpose of Nagar.

Therefore, the rejections of record merely and improperly use the roadmap of the claimed invention to “cut and paste” from unrelated references, taking elements out-of-context from either primary reference Nagar or the additional references. Such “cut and paste” approach, by reason of taking elements out-of-context, clearly fails to demonstrate the requirement in *KSR* of an expectation of success for bringing together elements out-of-context from unrelated references.

Therefore, Applicants submit that there are elements of the claimed invention that are not demonstrated as obvious based on Nagar, and the Examiner is respectfully requested to reconsider and withdraw these rejections.

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IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1, 31, 33-35, 37-41, and 43-51, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Please charge any deficiencies in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0510.

Respectfully Submitted,



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